

**TOWN OF DAVIE  
TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** David Quigley, AICP, Planning and Zoning Manager/(954) 797-1075

**PREPARED BY:** David Abramson, Deputy Planning and Zoning Manager

**SUBJECT:** Site Plan Modification Application: SPM 8-4-05/03-191/Tijuana Taxi/4400 South University Drive/Generally located on the eastside of South University Drive approximately 315 feet north of Orange Drive

**AFFECTED DISTRICT:** District 2

**ITEM REQUEST:** Schedule for Council Meeting

**TITLE OF AGENDA ITEM:** SPM 8-4-05, Tijuana Taxi, 400 South University Drive (B-1)

**REPORT IN BRIEF:** The petitioner requests site plan modification approval for structural additions and site work. This site has been the location of Tijuana Taxi restaurant for several years and the petitioner's request brings the existing non-conforming site into compliance with the Town's current land development code.

**PREVIOUS ACTIONS:** None

**CONCURRENCES:** At the November 18, 2008 Site Plan Committee meeting, Mr. Evans made a motion, seconded by Mr. Breslau, to approve subject to the planning report and the following: 1) that the Committee recommends to Council that it look at providing some kind of variance on the north parking so that "straight in" parking could replace the parallel parking in order to increase the parking count; 2) that the applicant would look into insulating the roof and the floor on the new addition; 3) no "string" lighting on the exterior; 4) there will be a new hedge at the wall on the east side, 3-foot high, Coco Plum, (where it shows existing will now be new); and 5) there will be zero outdoor seating of any kind for eating, dining, drinking or smoking and no outdoor speakers or sound devices outside the building except for a burglar alarm. In a roll call vote, the vote was as follows: Chair Venis – absent; Vice-Chair Lee – yes; Mr. Breslau – yes; Mr. Engel – absent; Mr. Evans – yes. **(Motion carried 3-0)**

**FISCAL IMPACT:** not applicable

Has request been budgeted? n/a

**RECOMMENDATION(S):** Staff finds the application complete and suitable for transmittal to the Site Plan Committee and Town Council for further consideration. If approved, staff recommends the following conditions:

Staff recommends that the western elevation consist of the following:

- a. Continue the parapet height of 21'-6" over the proposed enclosures.
- b. Continue the architecture design on the exterior wall of the new storage room.

**Attachment(s):** Planning Report, Site Plan

**Exhibit “A”**

**Application:** SPM 8-4-05/03-191/Tijuana Taxi

**Original Report Date:** 10/31/08

**Revision(s):**

11/26/08

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**TOWN OF DAVIE**  
**Planning & Zoning Division**  
*Staff Report and Recommendation*

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**Applicant Information**

**Owner:**

**Name:** 4400 South, Inc.  
**Address:** 4400 South University Drive  
**City:** Davie, Florida 33328  
**Phone:** (954) 472-5008

**Petitioner:**

**Name:** Philip Silverthorne  
**Address:** 4400 South University Drive  
**City:** Davie, Florida 33328  
**Phone:** (954) 729-1311

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**Background Information**

**Application Request:** The petitioner requests site plan modification approval for structural additions and site work at an existing restaurant

**Address:** 4400 South University Drive

**Location:** Generally located on the eastside of South University Drive approximately 315 feet north of Orange Drive

**Future Land Use Plan Map:** Commercial

**Existing Zoning(s):** B-1, Neighborhood Business District

**Existing Use(s):** Restaurant (Tijuana Taxi)

**Parcel Size:** 1.02 acres (44,522 sq. ft.)

**Proposed Density:** n/a

Land		Surrounding Future		
		Use	Plan	Map
<u>Designations:</u>				
North:	Retail Shopping Center	Commercial		
South:	Gas Station	Commercial		
East:	Residential homes	Residential		10
DU/AC				
West:	Vacant land	Commercial		
<u>Surrounding Zoning:</u>				
North:	B-2, Community Business District			
South:	B-2, Community Business District			
East:	R-5, Low Medium Density Dwelling District			
West:	B-2, Community Business District			

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### Zoning History

**Related Plat History:** A Plat Request, (Virginia Hawkins Plat) Resolution No. 83-111, approved by Town Council on October 19, 1983.

**Previous Requests on same property:**

*Site Plan Modification Application (SP 11-4-03):* At the March 30, 2004 Site Plan Committee meeting, this application was approved for a new 1,233 square feet covered outdoor seating area.

*Site Plan Modification Application (SPM 8-15-04):* On September 24, 2004, staff administratively approved removal an ADA access route to the existing restaurant.

*Variance Application (V 2-3-06):* At the August 16, 2006 Town Council meeting, this application was approved for a variance to increase the height of a required masonry wall from eight (8) feet to ten (10) feet abutting residential.

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### Applicable Codes and Ordinances

The effective Code of Ordinances governing this project is the Town of Davie Land Development Code.

*Land Development Code (Section 12-24(J)(1)),* Community Business (B-2) District. The B-2 District is intended to implement the commercial designation of the Town of Davie Comprehensive Plan by providing for a business area to service the shopping and limited service needs of several neighborhoods or the local community. Retail stores are intended to include convenience, fashion and durable goods.

*Land Development Code (Section 12-83)*, Conventional Nonresidential Development Standards, minimum lot area 52,500 sq. ft., minimum lot frontage 200', minimum setbacks – 25' abutting residential and 20' abutting public right-of-way, maximum height is 35', maximum building ratio is 40%, and minimum open space requirement is 30%.

*Land Development Code (Section 12-205(5))*, requires all parking and loading areas shall be constructed with a six-inch raised curb or bumper blocks along sidewalks, safety island, driveways, sight distance triangles and other places as needed.

*Land Development Code (Section 12-107)*, site landscaping requirements for commercial and industrial districts over twenty thousand square feet.

*Land Development Code (Section 12-369)* an addition to an existing structure that increases the overall size thereof more than twenty (20) percent is not excluded from review (Town Council review).

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## **Comprehensive Plan Considerations**

### **Planning Area:**

The subject property falls within Planning Area 8. This Planning Area is the heart of Davie and is the most diverse, characterized by older, small-scale commercial development, older single-family residential neighborhoods, and newer, large-scale multi-family residential developments that serve the rapidly growing South Florida Education Center (SFEC). It is bounded on the north by Nova Drive, south by Orange Drive, east by Florida's Turnpike, and west by University Drive. The planning area encompasses the downtown Davie Business District, where western theme architecture is required, the Davie Town Hall and Rodeo Arena, two large mobile home communities, and industrial land.

### **Broward County Land Use Plan:**

The subject site falls within Flexibility Zone 99.

### **Applicable Goals, Objectives & Policies:**

*Future Land Use Plan, Policy 5-2:* The (re)zoning, (re)platting, and site planning of land shall be in compliance with the density ranges shown on the Davie Future Land Use Plan map and the applicable Future Land Use Designation provisions as contained in the Permitted Use portion of the Implementation Section.

*Future Land Use Element, Policy 17-1:* Lands designated for non-residential use shall be located in a manner, which facilitates development, but does not adversely impact existing and designated residential areas.

*Future Land Use Plan, Policy 17-3:* Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

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## **Application Details**

The petitioner's submission indicates the following:

1. *Site:* The subject site is a 1.02 acre parcel of land on the eastside of University Drive, north of Orange Drive. This parcel has been the location of Tijuana Taxi restaurant for several years. The site plan modification brings the existing non-conforming site into compliance with the Town's current land development code.

The scope of the modification includes:

1. A new enclosed dining/bar area along the south side of the building
2. A new enclosed storage room
3. Site work (including walkway/sidewalks, dumpster enclosure, concrete curbing, compact parking spaces, wood trellis, seal coating, new stripping/markings and light poles)

(Planner's Note: Based on the proposed additional bar use, staff has recommended relocating the new dining/bar enclosure from the southern side of the restaurant to the western (front) side, to reduce any commercial patron nuisances to the eastern residential property. However, the petitioner has decided to move forward as proposed.)

2. *Architecture:* The architecture of both enclosures is consistent with the existing restaurant's southwestern design. Design elements applied to the exterior walls consist of stucco finishes, banding, wood siding, light fixtures, overflow scuppers, and metal decorative roof. Lastly, new frame/clear impact glazing sliding glass doors are equally spaced along the southern (front) elevation of the dining/bar deck enclosure. The proposed new paint finish/color scheme consists of the following colors: Golden Fleece (base of the building), Brandywine (stucco banding), and Spicy Hue (metal decorative roof).
3. *Access and Parking:* Vehicular access into the site will be maintained by two (2) existing openings at the same locations. The first opening (the main access point) is located along University Drive (western boundary line), while the second opening is through an adjacent parcel (along the northern boundary line). After vehicular traffic enters, it may maneuver thru two-way parking aisles around the restaurant that is centrally situated on the site.

The proposed site plan meets parking requirements by providing (29) standard parking spaces, nine (9) compact spaces, five (5) parallel spaces, and three (3) handicapped spaces for a total of (46) spaces. Per Section 12-208(A)(29), restaurant parking ratio is 1/80 square feet of dining area, and restaurants that serve beer and/or liquors having more than ten (10) percent of the seating around a bar shall adhere to the parking requirements for a bar. The petitioner's bar seating does not exceed ten (10) percent as illustrated on sheet A-1.

4. *Lighting:* The proposed site photometric plan meets minimum requirements with maximum foot-candles of one (1) at the property lines adjacent to neighboring properties. Additionally, the intensity of the illumination for the exterior parking facility maintains an average 3.72 foot-candle (code requires not less than one (1)), a maximum to minimum foot-candle average ratio of 3.38:1 (code requires not to exceed 4:1), and at no point is the illumination less than (0.5) foot-candles.
5. *Signage:* Signage is not part of this site plan modification application. All signs shall meet code prior to the issuance of a building permit.
6. *Landscaping:* The proposed landscape plan brings the existing non-conformities closer into compliance with the minimum requirements for the B-1, Neighborhood Business District. The landscape plan illustrates Silver Buttonwood, Green Buttonwood, Live Oak, and Hybrid Holly along the perimeter. The landscape plan meets the minimum open space ratio requirement by providing a total area of 13,644 square feet or 30% (code requires a minimum of 30%).
7. *Drainage:* Approval from Central Broward Drainage District (CBWCD) shall be obtained prior to final Planning and Zoning Divisions signing off of site plans and the issuance of any site development permit. The petitioner submitted to CBWCD and is under review (see attached acknowledgement letter).
8. *Trails:* Roberts – Potters Park Trail is located along University Drive adjacent to the subject site. This recreational trail will accommodate leisure activities to and from the subject site. Additionally, the recreational trail will also allow pedestrians to access numerous Davie parks and other trails.
9. *Compatibility:* The restaurant exists and is a compatible use with the other commercial and retail uses along University Drive in terms of zoning, land use, and other proposed uses.

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### **Significant Development Review Agency Comments**

The following comments represent significant comments made by the Development Review Committee as part of the review process. All comments have been addressed unless otherwise indicated.

#### **Planning and Zoning:**

1. Staff requests that all signage be removed from the restaurant elevation, not part of this approval.

#### **Landscaping:**

1. Staff requests that the landscape buffer along the eastern boundary line match the site plan of ten (10) feet excluding the two (2) foot vehicle overhang.
2. Staff requests that field adjustments of Live Oaks located in the southeastern parking island.

### **Public Participation**

The original site plan application for Tijuana Taxi was submitted prior to the adoption of public participation ordinance. Since that time, the petitioner has submitted modifications to the site and has worked with both staff on code regulations and abutting residential neighbor's concerns. (See attached public correspondence)

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### **Staff Analysis**

The petitioner's site design meets the intent of the B-1, Neighborhood Business District. The propose site plan modification is consistent with the Land Development Code as it relates to access, location, size, and use. A restaurant use is permitted in both this zoning district and land use category.

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### **Findings of Fact**

Staff finds that the site plan modification complies with the general purpose of the proposed B-1, Neighborhood Business District. Furthermore, this application is in conformance with all applicable Codes and Ordinances in terms of site design, circulation, setbacks, and parking requirements. The application can be considered compatible with the commercial uses and properties located along University Drive.

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### **Staff Recommendation**

Staff finds the application complete and suitable for transmittal to the Site Plan Committee and Town Council for further consideration. If approved, staff recommends the following conditions:

Staff recommends that the western elevation consist of the following:

- a. Continue the parapet height of 21'-6" over the proposed enclosures.
  - b. Continue the architecture design on the exterior wall of the new storage room.
- 

### **Site Plan Committee Recommendation**

At the November 18, 2008 Site Plan Committee meeting, Mr. Evans made a motion, seconded by Mr. Breslau, to approve subject to the planning report and the following: 1) that the Committee recommends to Council that it look at providing some kind of variance on the north parking so that "straight in" parking could replace the parallel parking in order to increase the parking count; 2) that the applicant would look into insulating the roof and the floor on the new addition; 3) no "string" lighting on the exterior; 4) there will be a new hedge at the wall on the east side, 3-foot high, Coco Plum, (where it shows existing will now be new); and 5) there will be zero outdoor seating of any kind for eating, dining, drinking or smoking and no outdoor speakers or sound devises outside the building except for a burglar alarm. In a roll call vote, the vote was as follows: Chair Venis – absent; Vice-Chair Lee – yes; Mr. Breslau – yes; Mr. Engel – absent; Mr. Evans – yes. **(Motion carried 3-0)**

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### **Town Council Action**



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## **Exhibits**

1. Public Correspondence
  2. CBWCD Acknowledgment Letter
  3. Future Land Use Plan Map
  4. Aerial, Zoning, and Subject Site Map
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Prepared by: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

*File Location: P&Z\Development Applications\Applications\SPM\_Site Plan Mod\SPM\_05\SPM 8-4-05 Tijuana Taxi*

**Exhibit 1 (*Public Correspondence*)**

**Suggested Improvements for Tijuana Taxi Company**

**Restaurant deck too close to homes. No easement or sound barriers.  
Less than 30 yards separation from deck to bedroom window.  
Operation of deck not compatible with location.**

**Suggest:**

**10 foot masonry sound/security wall at property line.**

**Permanently seal off east side of deck and/or build masonry sound barrier immediately adjacent to east side of deck.**

**Reduction in deck occupancy capacity to better comply with inadequate number of parking spaces.**

**Closing of deck after 10pm.**

**Constant supervision of deck noise.**

**Security personnel every night to control patrons/noise/loitering.**

**Finish off east roof line with façade to cover roof ducting.**

**Removal of Christmas lights.**

**Paint fluorescent green awnings on east side of building a different color to match existing color scheme.**

*\* This letter was provided to staff by an adjacent neighbor during the November 9, 2005 Public Development Review Committee meeting.*

**Exhibit 2 (CBWCD Acknowledgment Letter)**



**CENTRAL BROWARD WATER CONTROL DISTRICT**

8020 STIRLING ROAD (DAVIE)  
HOLLYWOOD, FLORIDA 33024

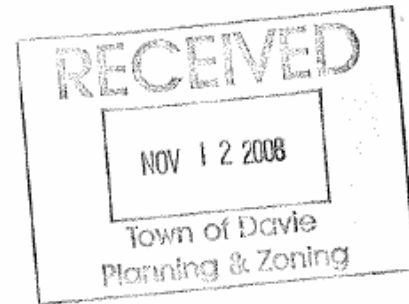
**BOARD OF COMMISSIONERS**

Douglas R. Bell, Chair  
Tom Green, Vice-Chair  
Kevin Biederman  
Judy Ann Bunce  
David Donzella  
Cris Fardelmann

TELEPHONE: (954) 432-5110  
FAX: (954) 432-8603  
E-Mail: mtcrowley@bellsouth.net

November 12, 2008

Frank Costoya Architect, P.A.  
Doug Krawczyk  
5230 South University Drive Ste 103  
Davie, FL 33328



Re: Interior and Exterior Modification – Tijuana Taxi CO Restaurant

Dear Krawczyk:

Please be advised that the Central Broward Water Control District has approved the Interior and exterior modifications from Tijuana Taxi CO Restaurant located at 4400 South University Drive, Davie, FL.

Do not hesitate to call should you have any questions or need more information.

Sincerely,

Michael Crowley  
District Manager

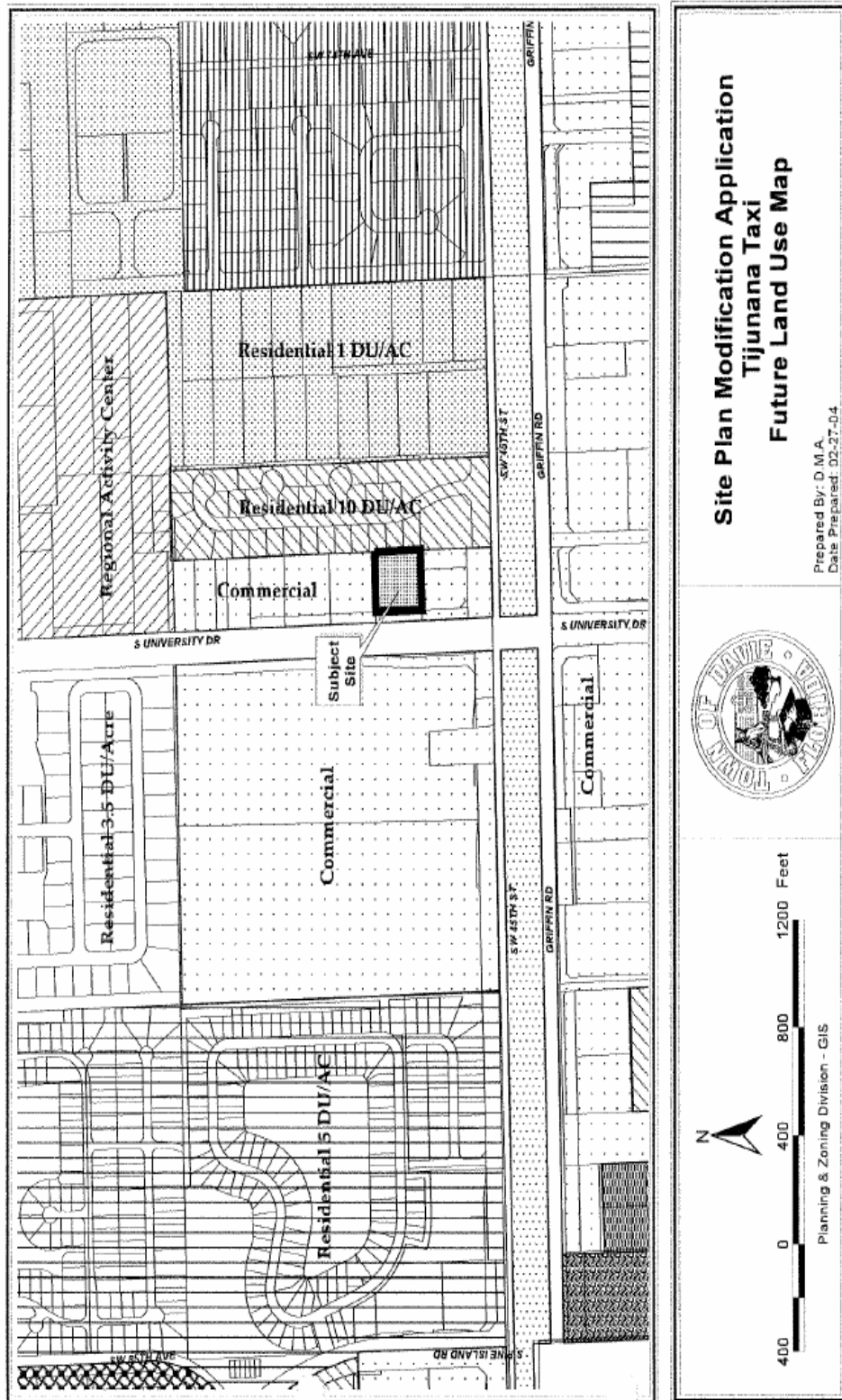
MC/cd

FRANK COSTOYA ARCHITECT, PA  
**RECEIVED**

NOV 12 2008

Project No.: FCA-0807  
File No.: A-268  
Dist. to: FILE/TOWN OF DAVIE

**Exhibit 3 (*Future Land Use Map*)**





**Exhibit 4 (Aerial, Zoning, and Subject Site Map)**

